UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,760	10/29/2001	Takaaki Takeda	P/2291-107	8688

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EXAMINER
SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/020,760	TAKEDA, TAKAAKI
	Examiner	Art Unit
	Mohammad A Siddiqi	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *29 October 2001*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-20* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *29 October 2001* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☒ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *04/01/2002*.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in

this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3.   Claims 1, 2, 5-7, and 10 are rejected under 35 U.S.C. 102(e) as being

anticipated by Shaio et al (6,625,156) (hereinafter Shaio).

4.   As per claims 1 and 6, Shaio discloses a method and system for

measuring quality of service (QoS) provided by a network, over which a

block of data having at least source and destination addresses included

therein is transferred (implementing QOS, col. 3, lines 10-27), comprising

the steps of:

a) determining an ingress and an egress of the network based on the source and destination addresses of the block of data (190, Fig. 9; col.3, lines 20-28);

b) extracting feature information from the block of data at the ingress and the egress, wherein the feature information identifies the block of data (col. 3, lines 20-28; col. 9, lines 47-51, extracts the control messages);

c) determining whether first feature information extracted at the ingress matches second feature information extracted at the egress (steps 222, 240, tag 238, Fig. 13; Fig. 12; col 11, lines 35-67; col 12, lines 1-9, finding short cut includes extracting and matching); and

d) when the first feature information matches the second feature information, measuring QoS based on a matching pair of the first feature information and the second feature information (elements Fig.11, col. 11, lines 15-27; col. 12, lines 49-60; Fig. 14, 264, 204).

5.   As per claims 2 and 7, Shaio discloses determining the egress to which the block of data is forwarded from the ingress, based on the source and destination addresses of the block of data; and sending the first feature information to the egress, wherein, at the egress, the steps c) and d) are performed (col. 12, lines 10-20; lines 29-35).

6.   As per claims 5 and 10, Shaio discloses determining whether the block

of data is targeted for QoS measurement at the ingress and egress, wherein,

only when the block of data is targeted for QoS measurement the step b) is

performed (col. 3, lines 10-28; Col. 9, lines 47-51, extracts the control

messages).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis

for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a
> whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

8.   Claims 3, 4, 8, 9, 11-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Shaio et al (6,625,156) (hereinafter Shaio) in view of

Sufleta et al. (6,785,237).

9.   As per claims 3 and 8, Shaio fails to disclose stamping the block of

data with a first time stamp at the ingress; and stamping the block of data

with a second time stamp at the egress, wherein, in the step d) QoS is

measured based on the first and second time stamps of the matching pair.

However, Sufleta discloses stamping the block of data with a first time stamp at the ingress; and stamping the block of data with a second time stamp at the egress, wherein, in the step d) QoS is measured based on the first and second time stamps of the matching pair (elements Fig. 9, col. 10, lines 53-67). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Shaio and Sufleta. The motivation would have been implementing Quality-of-Service data communications over a short-cut path through a routed network.

10.   As per claims 4 and 9, the claim is rejected for the same reasons as claim 3, above. In addition Sufleta discloses registering the feature information extracted from the block of data and its registration time into a buffer; when a matching pair is found in the step c), deleting feature information corresponding to the matching pair from the buffer (920-930, Fig. 9, col. 11, lines 15-21); and when feature information is left in the buffer after a predetermined lifetime expires, processing a block of data identified by the feature information as being lost (905-935, Fig. 9, col 11, lines 15-21).

11.   As per claim 11, Shaio discloses a method for measuring quality of

service (QoS) provided by a network, over which a block of data having at

least source and destination addressed included therein is transferred

(implementing QOS, col. 3, lines 10-27), comprising the steps of:

at an ingress where a first block of data flows into the network,

a) extracting first feature data from the first block of data, wherein the

first feature data identifies the first block of data (190, Fig. 9; col. 3, lines

20-28);

b) determining an egress where the first block of data is to flow from

the network, based on source and destination addresses of the first block of

data (steps 232, 230, 154, Fig. 13; Fig. 12; col 11, lines 35-67; col 12, lines

1-9, finding short cut includes extracting and matching);

c) sending the first feature data to the egress; at the egress (Elements of

Fig. 14; request/reply messages between egress and ingress, col. 8, lines 8-

17; col 11, lines 35-67),

 d) receiving the first feature data from the ingress (Elements of Fig.

14; Col. 12, lines 10-15);

Shaio does not explicitly discloses e) extracting second feature data

from a second block of data flowing from the network, wherein the second

feature data identifies the second block of data;

f) comparing the second feature data with the first feature data to determine whether the second block of data is identical to the first block of data; and g) when it is determined that the second block of data is identical to the first block of data, computing QoS based on the first and second feature data. However, Sufleta discloses e) extracting second feature data from a second block of data flowing from the network, wherein the second feature data identifies the second block of data (elements of fig 9; col 10, lines 52-67);

f) comparing the second feature data with the first feature data to determine whether the second block of data is identical to the first block of data (elements of fig 9; col 10, lines 52-67; col 11, lines 1-21, generates quality of service parameters by extracting and matching); and

g) when it is determined that the second block of data is identical to the first block of data, computing QoS based on the first and second feature data (elements of fig 9; col 10, lines 52-67; col 11, lines 1-21, generates quality of service parameters by extracting and matching). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Shaio and Sufleta. The motivation would have been monitoring a Quality-of-Service parameters over the network.

12.   As per claim 12, the claim is rejected for the same reasons as claim

11, above. In addition, Shaio discloses in the step b), the egress is

determined by referring to network configuration data indicating a

correspondence between each ingress node and each egress node in the

network (steps 232, 230, 154, Fig. 13; Fig. 12; col 11, lines 35-67; col 12,

lines 1-9, finding short cut includes extracting and matching).

13.   As per claim 13, the claim is rejected for the same reasons as claim

11, above. In addition, Shaio discloses the network configuration data

further indicates a correspondence between each ingress node and each

egress node via at least one via-point node in the network (col. 3, lines 20-

28).

14.   As per claim 14, the claim is rejected for the same reasons as claim

11, above. In addition, Sufleta discloses at each of the at least one via-point

node, h) extracting third feature data from a third block of data passing

through the via-point node, wherein the third feature data identifies the third

block of data (col 5, lines 17-38; col 10, lines 52-67; col 11, lines 1-21);

        i) determining an egress where the third block of data is to flow from

the network, based on source and destination addresses of the third block of

data (extracting, col 5, lines 17-38; col 10, lines 52-67; col 11, lines 1-21); and

   j) sending the third feature data to the egress (col 5, lines 17-38; col 10, lines 52-67; col 11, lines 1-21).

15.   As per claim 15, the claim is rejected for the same reasons as claim 11, above. In addition, Sufleta discloses at a via-point node, h) receiving the first feature data from the ingress; i) extracting third feature data from a third block of data passing through the via-point node, wherein the third feature data identifies the third block of data (extracting, elements of fig 9; col 5, lines 17-38; col 10, lines 52-67; col 11, lines 1-21);

   j) comparing the third feature data with the first feature data to determine whether the third block of data is identical to the first block of data (extracting, elements of fig 9; col 5, lines 17-38; col 10, lines 52-67; col 11, lines 1-21); and

   k) when it is determined that the third block of data is identical to the first block of data, computing QoS based on the first and third data feature (extracting, elements of fig 9; col 5, lines 17-38; col 10, lines 52-67; col 11, lines 1-21).

16.   As per claim 16, the claim is rejected for the same reasons as claim

11, above. In addition, Sufleta discloses at the egress, k) receiving the third

feature data from each of the at least one via-point node (extracting,

elements of fig 9; col 5, lines 17-38; col 10, lines 52-67; col 11, lines 1-21);

l) when it is determined that the second block of data is identical to

the first block of data, comparing the third feature data with the first feature

data to determine whether the third block of data is identical to the first

block of data (extracting, elements of fig 9; col 5, lines 17-38; col 10, lines

52-67; col 11, lines 1-21); and m) when it is determined that the third block

of data form each of the at least one via-point node is identical to the first

block of data, computing QoS based on the first, second and third data

feature (QOS , elements of fig 9; col 5, lines 17-38; col 10, lines 52-67; col

11, lines 1-21).

17.   As per claim 17, the claim is rejected for the same reasons as claims

11-16, above.

18.   As per claim 18, claim is rejected for the same reasons as claims 11-

16, above.

19. As per claim 19, the claim is rejected for the same reasons as claims 11-16, above. In addition, Sufleta discloses a plurality of measuring probes connected to respective ones of the first edge node, the second edge node, and at least one via-point node, the measuring probes being interconnected to each other, wherein each of measuring probes connected to respective ones of the first and second edge nodes comprises (Elements of Fig 3, col 6, lines 51-64).

20. As per claim 20, the claim is rejected for the same reasons as claims 11 and 19, above. In addition, Shaio discloses the comparator first compares the third feature data with the second feature data stored in the first buffer and then the third feature data with the second feature data stored in the second buffer (Col. 8, lines 47-51).

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
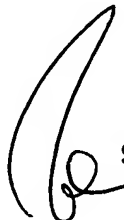
U.S. Patent 6,259,699

U.S. Patent 6,721,315

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Mohammad A. Siddiqi whose telephone

number is (571) 272-3976. The examiner can normally be reached on

Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, John A. Follansbee can be reached on (571) 272-

3964. The fax phone number for the organization where this application or

proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained

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access to the Private PAIR system, contact the Electronic Business Center

(EBC) at 866-217-9197 (toll-free).

MAS

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